

REMARKS

Entry of this response and reconsideration of the above-referenced application is respectfully requested. Reconsideration and withdrawal of the rejections set forth in the Office Action dated February 23, 2007 are respectfully requested. Applicants petition the Commissioner for a 1-month extension of time. A separate petition accompanies this response.

I. Rejections under 35 U.S.C. §103

Claims 23-26 were rejected under 35 U.S.C. §103 as allegedly obvious over Ramsey (U.S. Patent No. 5,858,195) in view of Parce *et al.* (U.S. Patent No. 6,475,441) and Krivankova *et al.* (*Journal of Chromatography*, 689:13-34, 1997).

A. The Present Claims

The present claims are directed to a microfluidics system for use in electrophoretic separation of charged sample components comprising a microfluidics device and a control unit, wherein the concentration of the titratable species in the trailing-edge electrolyte is selected to permit the charged sample components, upon application of a voltage potential between upstream and downstream electrodes, to stack into a relatively small sample volume before hydroxyl or hydrogen ion migration into and through the sample-volume region is effective to overtake the charged sample components.

B. The Cited Art

RAMSEY describes a microchip apparatus and method for fluidic manipulations. PARCE ET AL. relates to a system and method including a microfluidic device. KRIVANKOVA ET AL. describes the phenomenon of "sample induced stacking" or "sample induced transient ITP". It illustrates a coupled system where transition occurs from an ITP stacking mode to a CZE mode. The systems described employ capillaries, not microfluidic channels.

C. Analysis

According to the M.P.E.P. § 2143, one of the three basic criteria that must be met to establish a *prima facie* case of obviousness is that the prior art references (or references when combined) must teach or suggest all the claim limitations.

According to the M.P.E.P. § 2143.03, "to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." [citations omitted].

As recited at M.P.E.P. §2173.05(g), "A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used."

None of the cited references, alone or in combination, teach a microfluidics system comprising a microfluidics device and control unit, wherein the concentration of the titratable species in the trailing-edge electrolyte is selected to permit the charged sample components, upon application of a voltage potential between upstream and downstream electrodes, to stack into a relatively small sample volume before hydroxyl or hydrogen ion migration into and through the sample-volume region is effective to overtake the charged sample components as presently claimed.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. §103(a).

II. Obviousness Double-Patenting Rejection

Claims 23-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being directed to an invention not patentably distinct from claims 1-3, 9, and 12 of U.S. Patent No. 6,685,813.

A Terminal Disclaimer prepared in accordance with 37 C.F.R. §1.321(b) and (c) will follow under separate cover. The signed Terminal Disclaimer will obviate the above obviousness-type double patenting rejections.

III. Conclusion

In view of the foregoing, Applicants submit that the claims now pending are in condition for allowance. A Notice of Allowance is, therefore, respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4410.

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